3

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 363 / 2005

PETITIONER

P.R. No. 3717/05
Presented by Shri P.R. Petitioner
dated 1/2/05

S.K.Dwivedi, Aged about 38 years, S/o Shri Kamla Prasad Dwivedi, Presently working as a Branch Manager, Chhattisgarh State Ware Housing Corporation, Manendragarh, District - Korea(CG), R/o 217 Ward No 20 Manendragarh, District - Korea (CG)

Versus

RESPONDENTS :

1. Chhattisgarh State Ware Housing Corporation – Through its Managing Director, Chhattisgarh State Ware Housing Corporation, 22 Anand Nagar, Mahasamund Road, Raipur (CG).

2. Manager (Personnel), Chhattisgarh State Ware Housing Corporation, 22 Anand Nagar, Mahasamund Road, Raipur (CG)

3. Shri P.K.Garg, Junior Technical Assistant, Chhattisgarh State Ware Housing Corporation, Branch Kanji Road, District - Bilaspur (CG)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(25)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.3613 **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12.8.2005

Shri P. Diwakar, Sr. Advocate with Ku. Sunita Jain, for the petitioner.

Shri Akhil Agrawal, Panel Lawyer for the State on advance copy.

Shri Awadh Tripathi, counsel for respondent no.3.

I.A.No.6840 of 2005

This is an application for urgent hearing. The matter is taken up on Board. This interim application stands disposed of.

W.P.No.3613/2005

The petitioner who is working on the post of Branch Manager in Manendragarh Branch, Chhattisgarh State Ware Housing Corporation has challenged the validity of his transfer order dated 18.7.2004 (Annexure P-2) by which he has been transferred from Manendragarh to Baramkela. The submission of learned counsel for the petitioner is that the petitioner is posted in Manendragarh since 17.7.2002. He further submits that the transfers are made on administrative exigencies, but no such administrative reason has been shown in the transfer order. The petitioner has been sent from Manendragarh to Baramkela which is at a distance of about 400 K.Ms. He also submits that his son namely Ashutosh Dwivedi is studying in Class-III in Central Railway School and his daughter Ku.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 3613 **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Shikha Dwivedi is studying in the same school in Class-II. He further submits that the academic session has already started from 1st of April 2005 and if the order is effected, it shall effect the studies of the children of the petitioner. He further submits that immediately after coming to know about the transfer order the petitioner has made representations to the Managing Director as well as to the President of Chhattisgarh State Ware Housing Corporation vide Annexures P-4 and P-5. He also submits that till date the representations have not been decided.

The transfer is an exigency of service and the order of transfer cannot be interfered with by a Court of law unless the same is vitiated by malafides or extraneous considerations or is against the statutory rules or the policy. The personal difficulties of an employee are factors to be considered by the employer. The interference of the court is not permissible on the grounds of personal difficulties of the employee.

However, having considered the facts and circumstances of this case and also considering the documents filed along with the writ petition and after hearing the arguments advanced by learned counsel for the petitioner, it appears to me that the ends of justice would be served if a direction is given to the respondents to

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 3613 सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

dispose of the representations (Annexure P-4 & P-5) filed by the petitioner within the stipulated period granted by this Court.

It is hereby directed that if the representations referred to above have not been disposed of so far, the concerned authority of the respondent shall dispose of the same as early as possible preferably within a period of 3 weeks from the date of production of certified copy of this order alongwith the copy of this writ petition. The transfer of the petitioner shall be subject to the final decision of the representations. Meanwhile the order of transfer of the petitioner shall not be given effect to for a period of 4 weeks from today. It is made clear that this order of not giving effect to the transfer order shall automatically lose its efficacy after termination of 4 weeks from today irrespective of the fact as to whether the representations are decided or not.

With the aforesaid observations, this writ petition stands finally disposed of.

Consequently, M.W.P.No.3033/2004 also stands disposed of.

C.C. as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Rao/-

(पीछे देखिये)